

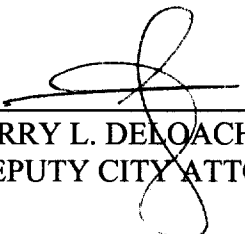
Entered - 08/28/03 - sb
CL - 03L0698 LISA CARTER

03-*R*-1524

CLAIM OF: MICHAEL B. FANNIN
5595 Marbut Road
Lithonia, Georgia 30058

For vehicular damages alleged to have been sustained as a result
of a city employee operating a weed eater on August 14, 2003 at
101 Ollie Street, NW.

THIS ADVERSED REPORT IS APPROVED

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 9/30/03

CHAIR: 

















OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

October 13, 2003

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

Michael B. Fannin
5595 Marbut Road
Lithonia, GA 30058

03-R-1524

Dear Mr. Fannin:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on October 06, 2003. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0698

Date: September 16, 2003

Claimant /Victim MICHAEL B. FANNIN

BY: (Atty) (Ins. Co.) _____

Address: 5595 Marbut Road Lithonia, Georgia 30058

Subrogation: _____ Claim for Property damage \$ 288.72 Bodily Injury \$ _____

Date of Notice: 08/26/03 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 08/14/03 Place: 101 Ollie Street, NW

Department Parks, Recreation and Cultural Affairs Bureau: Parks Division: _____

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that he sustained damages to his vehicle as a result of a city employee operating a weed eater at 101 Ollie Street, NW. However, the city is immune from liability as set forth in O.C.G.A. §36-33-1.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other X

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,



INVESTIGATOR - LISA CARTER

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____

Claims Manager:  Concur/date 09/16/03

Committee Action: _____ Council Action _____

RCS# 5041
10/06/03
2:05 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 1-14

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

| | | | |
|-----------|-------------|-----------|------------|
| Y Smith | Y Archibong | Y Moore | Y Mitchell |
| Y Starnes | Y Fauver | NV Martin | Y Norwood |
| Y Young | Y Shook | Y Maddox | Y Willis |
| Y Winslow | Y Muller | B Boazman | NV Woolard |

CONSENT I

| 10-06-03 Council Meeting | | |
|-----------------------------|------------------------------|------------------------------|
| ITEMS ADOPTED ON CONSENT | ITEMS ADVERSED ON CONSENT | ITEMS ADVERSED ON CONSENT |
| 1. 03-O-1475 | 37. 03-R-1521 | 71. 03-R-1555 |
| 2. 03-O-1471 | 38. 03-R-1522 | 72. 03-R-1556 |
| 3. 03-O-1438 | 39. 03-R-1523 | 73. 03-R-1557 |
| 4. 03-O-1442 | 40. 03-R-1524 | 74. 03-R-1558 |
| 5. 03-O-1452 | 41. 03-R-1525 | 75. 03-R-1559 |
| 6. 03-O-1380 | 42. 03-R-1526 | 76. 03-R-1560 |
| 7. 03-O-1478 | 43. 03-R-1527 | 77. 03-R-1561 |
| 8. 03-O-1479 | 44. 03-R-1528 | 78. 03-R-1562 |
| 9. 03-O-0953 | 45. 03-R-1529 | 79. 03-R-1563 |
| 10. 03-O-1455 | 46. 03-R-1530 | 80. 03-R-1564 |
| 11. 03-O-1476 | 47. 03-R-1531 | 81. 03-R-1565 |
| 12. 03-O-1481 | 48. 03-R-1532 | 82. 03-R-1566 |
| 13. 03-R-1498 | 49. 03-R-1533 | 83. 03-R-1567 |
| 14. 03-R-1499 | 50. 03-R-1534 | 84. 03-R-1568 |
| 15. 03-R-1582 | 51. 03-R-1535 | 85. 03-R-1569 |
| 16. 03-R-1583 | 52. 03-R-1536 | 86. 03-R-1570 |
| 17. 03-R-1502 | 53. 03-R-1537 | 87. 03-R-1571 |
| 18. 03-R-1503 | 54. 03-R-1538 | 88. 03-R-1572 |
| 19. 03-R-1505 | 55. 03-R-1539 | 89. 03-R-1573 |
| 20. 03-R-1506 | 56. 03-R-1540 | 90. 03-R-1574 |
| 21. 03-R-1507 | 57. 03-R-1541 | 91. 03-R-1575 |
| 22. 03-R-1488 | 58. 03-R-1542 | 92. 03-R-1576 |
| 23. 03-R-1489 | 59. 03-R-1543 | 93. 03-R-1577 |
| 24. 03-R-1490 | 60. 03-R-1544 | 94. 03-R-1578 |
| 25. 03-R-1491 | 61. 03-R-1545 | |
| 26. 03-R-1492 | 62. 03-R-1546 | |
| 27. 03-R-1495 | 63. 03-R-1547 | |
| 28. 03-R-1513 | 64. 03-R-1548 | |
| 29. 03-R-1514 | 65. 03-R-1549 | |
| 30. 03-R-1515 | 66. 03-R-1550 | |
| 31. 03-R-1516 | 67. 03-R-1551 | |
| 32. 03-R-1517 | 68. 03-R-1552 | |
| 33. 03-R-1518 | 69. 03-R-1553 | |
| 34. 03-R-1519 | 70. 03-R-1554 | |
| 35. 03-R-1520 | | |
| 36. 03-R-1579 | | |

Consent I Vote: 13 Yeas; 0Nays: (See RCS #5041)